

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA**

Wheeling Division

**DAVID and ROXIE VANCE and
CARLA SHULTZ, individually
and on behalf of a class of all
persons and entities similarly situated,**

Plaintiffs,

vs.

Case No. 5:17-cv-00179-JPB

DIRECTV, LLC,

Defendant.

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs David and Roxie Vance and Carla Shultz (“Plaintiffs”) hereby respectfully move, under Federal Rules of Civil Procedure 23(a) and 23(b)(3), for an order certifying the following class:

All persons within the United States (a) whose telephone numbers were listed on the Do Not Call Registry, and (b) who received more than one telemarketing call within any twelve-month period at any time from AC1, (c) to promote the sale of DirecTV.

Plaintiffs seek appointment as class representatives of the proposed class. Plaintiffs further request that this Court appoint undersigned counsel to serve as class counsel pursuant to Federal Rule of Civil Procedure 23(g).

Plaintiffs move for certification because the above-defined class is so numerous that joinder would be impracticable, there are common questions of law and fact among Plaintiffs and members of the putative class, their claims as proposed class representatives are typical of those of the class, and Plaintiffs and their counsel will fairly

and adequately represent the interests of the class. Additionally, questions of law and fact common to class members predominate over any questions affecting only individual members, and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

This motion is based on the contemporaneously filed memorandum of law, the declarations of counsel, supporting exhibits and all other relevant pleadings, briefs, and evidence.

Dated: April 11, 2022

Plaintiffs,

By Their Counsel,

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April 2022, a copy of **Plaintiffs' Motion for Class Certification** was filed using CM/ECF, the Court's electronic notification system, which provided notice to all counsel of record.

/s/ John W. Barrett
John W. Barrett